

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

KEVIN AND SHERRYE WEBSTER

PLAINTIFFS

VERSUS

CIVIL ACTION NO. 1:05CV715-LTS-RHW

USAA CASUALTY INSURANCE COMPANY

DEFENDANT

**ORDER GRANTING MOTION TO QUASH**

Before the Court is Plaintiffs' [78] Motion to Quash and for Sanctions. Plaintiffs object to various subpoenas for production of documents. In their response, Defendant indicates that it has withdrawn or corrected subpoenas on all issues except for one: the subpoenas issued to Hancock Bank in Gulfport, Mississippi, for records of Plaintiffs' personal checking and savings accounts.

This lawsuit involves property damage insurance claims arising from Hurricane Katrina. Plaintiffs argue that Defendant's request of all personal checking and savings account records is overly broad and irrelevant to the issue of insurance coverage. Defendant counters that the records are relevant for purposes of verifying Plaintiffs' \$1 million contents claim. Defendant argues that it is seeking to discover evidence relevant to Plaintiffs' claims regarding the value of property alleged to have been lost or destroyed. In a deposition, Plaintiff Kevin Webster acknowledged that some of the contents claimed by Plaintiffs were purchased by check.

The Court finds that Defendants' subpoena request for Plaintiffs' checking and savings accounts is overly broad. Defendants may be entitled to discovery of evidence to assess the value of items lost due to Hurricane Katrina. However, the request as drafted in the instant subpoena

of Plaintiffs' bank records is too broad.

IT IS THEREFORE ORDERED AND ADJUDGED that the [78] Motion to Quash is GRANTED. Plaintiffs' request for sanctions is DENIED.

SO ORDERED, this the 5th day of October, 2006.

s/ Robert H. Walker

UNITED STATES MAGISTRATE JUDGE